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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,932	01/16/2004	Vijaylaxmi Chakravarty	AUS920030846US1	8214

45502 7590 07/23/2009  
DILLON & YUDELL LLP  
8911 N. CAPITAL OF TEXAS HWY.,  
SUITE 2110  
AUSTIN, TX 78759

EXAMINER
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HEFFINGTON, JOHN M

ART UNIT	PAPER NUMBER
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2179

MAIL DATE	DELIVERY MODE
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07/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Response to Rule 312 Communication</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/759,932	CHAKRAVARTY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	JOHN M. HEFFINGTON	2179

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

1. ☒ The amendment filed on 30 June 2009 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

In this case, applicant files a supplemental amendment on 06/30/2009 after the notice of allowance dated 06/02/2009. Amendments filed after the mailing of a notice of allowance are not entered as a matter of right (MPEP paragraph 714.16 Amendments after Allowance). MPEP 714.16 states the following regarding claim amendments after the notice of allowance:

"As to amendments affecting the disclosure, the scope of any claim, or that add a claim, the remarks accompanying the amendment must fully and clearly state the reasons on which reliance is placed to show:

- (A) why the amendment is needed;
- (B) why the proposed amended or new claims require no additional search or examination;
- (C) why the claims are patentable; and
- (D) why they were not presented earlier."

In this case, applicant has not demonstrated any or all of the items listed above. Further, MPEP 714.03 dictates how to handle supplemental amendments (see 37 CFR 1.111 (2) which demonstrates the conditions where a supplemental amendment may be entered. In this case, the claim amendment clearly change the scope of the claims and are not limited to the situations presented in 714.03.) Therefore, under 37 CFR 1.111 entry is also denied.

Moreover, MPEP 37 CFR 1.312 was never intended to provide a way for the continued prosecution of an application after it has been passed for issue. The recommendation is against entry for the reasons listed above and also because all of the following apply

- (A) an additional search is required;
- (B) more than a cursory review of the record is necessary; or
- (C) the amendment would involve materially added work on the part of the Office.

Therefore, in accordance with MPEP 714.16 the amendments to the claims filed on 06/30/2009 will not be entered. However, the title change will be entered.

Furthermore, one of applicant's representative was not aware that a notice of allowance had been mailed and submitted a supplemental amendment after the filing of the RCE. Therefore, the supplemental amendment was not intended to be a 312 amendment. When contacted, Eustace Isadore requested that the supplemental amendment not be entered.

Form 1449, dated 3/20/08 and 4/09/08 are attached to this communication.

/Weilun Lo/  
Supervisory Patent Examiner, Art Unit 2179